

STATE OF WASHINGTON

MIKE KREIDLER

CHIEF OF BUREAU OF INSURANCE

Phone: (360) 725-7000



OFFICE OF  
INSURANCE COMMISSIONER

FILED

2005 JUN -1 P 12:21

**DECLARATION OF MAILING**

I declare under penalty of perjury  
under the laws of the State of  
Washington that on the date listed  
below, I mailed or caused delivery  
of a true copy of this document to

parties below  
DATED this 1 day of June 2005  
at Tumwater, Washington.

Signed: Wendy Galloway

**HEARINGS UNIT**

Fax: (360) 664-2782

Patricia D. Petersen  
Chief Hearing Officer

Patricia D. Petersen  
Chief Hearing Officer  
(360) 725-7105

Wendy Galloway  
Administrative Assistant  
WendyG@OIC.wa.gov.  
(360) 725-7002

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:

**FREDERICK E. WEATHERBEE,**

Licensee.

NO. D05-16

ORDER GRANTING  
CONTINUANCE

TO: Frederick E. Weatherbee  
5815 South Rebecca Street  
Spokane, Washington 99223

Lawrence R. Small, Esq.  
Michael B. Love, Esq.  
Paine, Hamblen, Coffin, Brooke & Miller, LLP  
717 West Sprague Avenue, Suite 1200  
Spokane, Washington 99201-3505

COPY TO: Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
John F. Hamje, Deputy Commissioner, Consumer Protection  
Carol Sureau, Deputy Commissioner, Legal Affairs Division  
Charles D. Brown, Staff Attorney, Legal Affairs Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255  
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501

OFFICE OF INSURANCE COMMISSIONER  
ORDER GRANTING CONTINUANCE

No. D05-16

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On May 16, 2005, the Hearings Unit received a Motion for Continuance from Charles D. Brown, Attorney for the Office of the Insurance Commissioner (OIC). The purpose of said Motion is to request a continuance of the currently scheduled hearing date of June 21 2005, on the basis that one of the Commissioner's witnesses is not available to testify on the currently scheduled hearing date.

Lawrence Small, Attorney for Frederick Weatherbee, is in agreement with the Commissioner's Motion for Continuance.

**ORDER**

Based upon the above activity,

**IT IS HEREBY ORDERED AND AGREED** that the hearing in this matter is continued until **Monday, August 15, 2005 at the hour of 10:00 a.m.**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501, and shall continue on succeeding days until terminated, unless otherwise determined by the undersigned.

ENTERED AT TUMWATER, WASHINGTON, this 1st day of June, 2005.



PATRICIA D. PETERSEN  
Presiding Officer

STATE OF WASHINGTON

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER

Phone: (360) 725-7000



OFFICE OF  
INSURANCE COMMISSIONER

FILED

2005 APR 20 A 11:39

**DECLARATION OF MAILING**

I declare under penalty of perjury  
under the laws of the State of  
Washington that on the date listed  
below, I mailed or caused delivery  
of a true copy of this document to

*Parties listed below*  
DATED this 20th day of April 2005  
at Tumwater, Washington.

Signed: Wendy Galloway

Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer

HEARINGS UNIT

Fax: (360) 664-2782

Patricia D. Petersen  
Chief Hearing Officer  
(360) 725-7105

Wendy Galloway  
Administrative Assistant  
WendyG@OIC.wa.gov.  
(360) 725-7002

In the Matter of:

**FREDERICK WEATHERBEE,**

Licensee.

) NO. D 05-16

) **NOTICE OF HEARING**

TO: Frederick E. Weatherbee  
5815 South Rebecca Street  
Spokane, Washington 99223

Lawrence R. Small, Esq.  
Paine, Hamblen, Coffin, Brooke & Miller, LLP  
717 West Sprague Avenue, Suite 1200  
Spokane, Washington 99201-3505

COPY TO: Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
John Hamje, Deputy Commissioner, Consumer Protection  
Carol Sureau, Deputy Commissioner, Legal Affairs  
Charles Brown, Staff Attorney, Legal Affairs  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

On February 22, 2005, the Insurance Commissioner (OIC) received a Demand for Hearing from Frederick Weatherbee (Licensee). The purpose of said Demand for Hearing is to contest the Commissioner's Order Revoking License entered February 2, 2005. Licensee's Demand for Hearing was received by the Commissioner before the effective date of the revocation and

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Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501



NOTICE OF HEARING

No. D 05-16

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therefore, pursuant to RCW 48.04.020, the revocation of the Licensee's insurance agent's license is stayed pending entry of the final decision after hearing.

Accordingly, the undersigned held a first prehearing conference on March 9, 2005. The Licensee appeared by and through his attorney, Lawrence R. Small, Esq., of Spokane, Washington and the Commissioner was represented by John Hamje, Staff Attorney with the Commissioner's Legal Affairs Division. Mr. Hamje explained that he would be leaving his position as a staff attorney with the Office of the Insurance Commissioner and asked that a second prehearing conference be scheduled in order to have another attorney in place to represent the Insurance Commissioner in this matter and to schedule a hearing date at that time. During the first prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties.

Subsequently, on April 20, 2005, the undersigned held a second prehearing teleconference in this matter. The Licensee was represented by Lawrence R. Small, Esq., and the Commissioner was represented by Charles Brown, Esq., Staff Attorney with the Legal Affairs Division. During said second prehearing teleconference, discussion was held concerning the date for the hearing and the undersigned advised the parties that should they require issuance of a subpoena for any reason that they should contact the Hearings Unit. The undersigned determined, based upon the Order of Revocation, the Demand for Hearing and the More Definite Statement of Licensee which the Licensee filed, as required, on April 8, 2005, that the hearing should commence at **10:00 a.m., on Tuesday, June 21, 2005**. The purpose of the hearing will be to determine the validity and propriety of the Commissioner's aforementioned Order Revoking License.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010.

The Commissioner will be represented by Charles Brown, Staff Attorney with the Commissioner's Legal Affairs Division. His mailing address is P.O. Box 40255 and his telephone number is 360-725-7044. Licensee will be represented by Lawrence R. Small, Esq., of Paine, Hamblen, Coffin, Brooke & Miller, LLP of Spokane, Washington. His mailing address is 717 West Sprague Avenue, Suite 1200, Spokane, Washington 99201-3505 and his telephone number is (509) 455-6000. The adjudicative proceeding will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105. All communications concerning this proceeding or the issues presented therein, however, should not be directed to the undersigned, but instead should be directed to Wendy Galloway, administrative assistant to the undersigned, identified above.



Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Wendy Galloway, administrative assistant to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

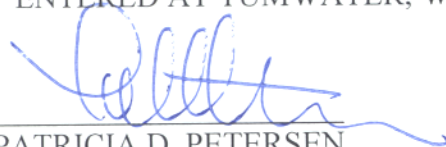
This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

### ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on **Tuesday, June 21, 2005 at the hour of 10:00 a.m.**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501, and shall continue on succeeding days until terminated, unless otherwise determined by the undersigned.

ENTERED AT TUMWATER, WASHINGTON, this 20th day of April, 2005.

  
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PATRICIA D. PETERSEN  
Presiding Officer